

Attorney Docket No.: J6855(C)
Serial No.: 10/730,709
Filed: December 8, 2003
Confirmation No.: 3982

RESPONSE TO NOTIFICATION
OF NON-COMPLIANT APPEAL BRIEF

Sir:

In response to the Notification of Non-Compliant Appeal Brief mailed on August 11, 2009, concerning the above-identified application, applicants submit herewith a replacement page 3 with revised claims section VIII, indicating the status of cancelled claims 7, 13, 16 and 17, as requested.

The Commissioner is hereby authorized to charge any additional fees, which may be required to our deposit account No. 12-1155, including all fees required under: 37 C.F.R. §1.16; 37 C.F.R. §1.17; 37 C.F.R. §1.18; 37 C.F.R. §1.136.

I. REAL PARTY IN INTEREST

The Real Party in Interest in this Appeal is Conopco, Inc., a corporation of the State of New York, d/b/a Unilever.

II. RELATED APPEALS AND INTERFERENCES

Neither the Appellants, their legal representatives nor the Assignee are aware of any other Appeals or Interferences relating to the present Appeal.

III. STATUS OF CLAIMS

This Appeal is taken from the Final Rejection of claims 1-6, 8-12, 14, 15 and 18, the pending claims in the application. Claims 7, 13, 16 and 17 are cancelled. A copy of the appealed claims is listed in this Brief as VIII. Claims Appendix.

IV. STATUS OF AMENDMENTS

No Amendments after the Final Rejection have been filed.

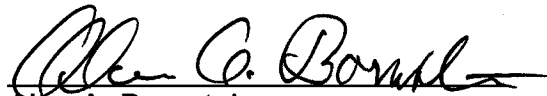
VIII. CLAIMS APPENDIX

1. A skin care or cleansing packaged product, comprising:
 - a. a container having a first chamber and a second chamber, each chamber having an outlet;
 - b. a composition contained in the first chamber having a dispersed phase including a first and a second component, the first component being capable of chemically reacting with the second component that is different from the first;
 - c. a continuous phase present in the composition composed of a substantially anhydrous carrier contained in the first chamber;
 - d. an organophilic particle stabilizer contained in the dispersed phase;
 - e. water contained in the second chamber;
 - f. wherein the first component is substantially unsolvated in the carrier; and
 - g. wherein the first and second components do not substantially react with water or each other until dispersed or dissolved in water during cleansing and skin treatment by a consumer.
2. The packaged product of claim 1 wherein the outlet of the first chamber and the outlet of the second chamber fluidly communicate with each other to allow mixing of the contents of the first and second chamber prior to deposition on the skin or hair of a user.
3. The packaged product of claim 1 wherein the outlet of the second chamber do not fluidly communicate with each other whereby the mixing of the contents of the first and second chamber occurs after deposition of the contents of the first and second chamber on the skin or hair of a user.
4. The packaged product of claim 2 wherein the dispersed phase in the first chamber has less than 25 % by wt. of the second component and less than 25% by wt. of the first component.

5. The packaged product of claim 1 wherein a cup is releasably attached to the container and positioned for receiving the contents of the first chamber.
6. The packaged product of claim 5 wherein the cup is marked with a fill line for introducing a measured amount of the contents of the second chamber.
8. The packaged product of claim 5 wherein the cup is positioned for receiving the contents of the second chamber.
9. The packaged product of claim 1 further comprising a unit dose pump.
10. The packaged product of claim 1 wherein the outlet of the first chamber contains a one way valve.
11. The packaged product of claim 10 wherein the valve is selected from a duckbill valve, a ball valve or a slit valve.
12. The packaged product of claim 1 wherein the at least one reactive component has a particle size range of about 0.1 to 5000 μ .
14. The packaged product of claim 1 wherein the organophilic particle is in the particle size range of about 0.02 to 250 μ .
15. The packaged product of claim 1 wherein the stabilizer is selected from organophilic silica, organophilic clay, or blends thereof.
18. The packaged product of claim 1 wherein the first component is capable of producing a gas in aqueous solution when reacted with an acid and the second component forms an acid in the presence of water.

In view of the above, appellant's respectfully submit the Appeal Brief is now in compliance with 37 CFR § 41.37.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan A. Bornstein", written over a horizontal line.

Alan A. Bornstein
Registration No. 40,919
Attorney for Applicant(s)

AAB/ss
(201) 894-2180